IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

OP.No. 12898 of 1997(I)

PETITIONER:

A.P.JOSEPH, PHYSICAL EDUCATION TEACHER,
NOW WORKING IN ST.ALOYSIOUS SCHOOL,
ATHIRAMPUZHA, KOTTAYAM DIST.

BY ADV. SRI.V.A.MUHAMMED

RESPONDENTS:

1.SECRETARY TO THE GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2.THE DIRECTOR OF PUBLIC INSTRUCTION, TRIVANDRUM-14.

3.THE DISTRICT EDUCATIONAL OFFICER, KANJIRAPPILLY,
KOTTAYAM DIST.

4.THE CORPORATE MANAGER, CORPORATE MANAGEMENT OF SCHOOLS
ARCH DIOCESE OF CHANGANASSERY,
P.O.CHANGANASSERY.

BY GOVERNMENT PLEADER SRI.MANOJ.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO. 22998/97 IN O.P.NO.12898/97

DISMISSED

21.3..2007. SD/- KURIAN JOSEPH, JUDGE.

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1: TRUE COPY OF THE ORDER NO.159/88/G.EDN. DT. 14.10.1988.

EXT.P2 : TRUE COPY OF THE ORDER NO.B4/1070/89/K.DIS. DT. 28.2.1989.

EXT.P3 : TRUE COPY OF THE ORDER NO.GO(MS) 203/91/G.EDN. DT. 27.12.2991.

EXT.P4 : TRUE COPY OF THE GO(RT) NO.3482/92/G.EDN. DT. 5.9.1992.

EXT.P5 : TRUE COPY OF THE GO(RT) NO.2531/93/G.EDN. DT. 17.8.1993.

EXT.P6 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 4TH RESPONDENT TO THE FIRST RESPONDENT.

EXT.P7 TRUE COPY OF THE JUDGMENT IN O.P.NO.13015/96 DT. 13.8.1996.

EXT.P8 TRUE COPY OF THE GO(RT) NO.1874/97/G.EDN. DT. 10.6.1997.

EXT.P9 TRUE COPY OF THE CIRCULAR NO.78932/J1/88/G.EDN. DT. 17.12.1998.

EXT.P10 TRUE COPY OF THE GO(RT) NO.2561/94/G.EDN. DT. 8.7.1994.

EXT.P11 TRUE COPY OF THE GO(RT) NO.2588/95/G.EDN. DT. 26.7.1995

EXT.P12 TURE COPY OF GO(RT) NO.2582/96/G.EDN. DT. 7.8.1996.

EXT.P13 TRUE COPY OF GO(RT) NO.2258/97/G.EDN. DT. 4.7.1997.

EXT.P14 TRUE COPY OF GO(RT) NO.2964/98/G.EDN. DT. 28.7.1998.

TGS

KURIAN JOSEPH, J.

O.P.No.12898 of 1997

Dated 21st March, 2007.

J U D G M E N T

Petitioner is aggrieved since he is not granted the benefit of the service as Physical Education Teacher in the school managed by the 4th respondent with effect from 7.12.1989 to 14.7.1994. In the counter affidavit, it is clearly stated that there was no sanctioned post under the management till 15.7.1994. Therefore, the question of restoration of Physical Education Teacher as per Ext.P9 Government Order dated 17.12.1998 does not arise. There was no sufficient work also available for sanctioning a regular post of Physical Education Teacher during the relevant period. It is the contention of the learned counsel for the petitioner that he has actually worked in the school. Since the work was without a sanctioned post, no liability can be fixed on the Government to pay salary. Therefore, there is no merit in the writ petition. It is dismissed.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No.12898 of 1997 (I)

J U D G M E N T

Dated 21st March, 2007.